

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 247 be amended to read as follows:

- 1 Page 3, line 10, delete "does" and insert "**do**".
- 2 Page 3, line 21, delete "The" and insert "**Except as provided in**
- 3 **subsection (l), the**".
- 4 Page 3, between lines 36 and 37, begin a new paragraph and insert:
- 5 "**(l) If the department or an agent, employee, or officer of the**
- 6 **department publishes under subsection (j) the name of a person:**
- 7 **(1) who is not liable for a tax warrant described in subsection**
- 8 **(j); or**
- 9 **(2) for whom a tax release was issued under subsection (b)**
- 10 **during the two (2) weeks immediately preceding publication**
- 11 **of the person's name under subsection (j);**
- 12 **the person may file a claim against the department in an amount**
- 13 **not to exceed the amount of the tax warrant for which the person**
- 14 **was listed as liable in the list published under subsection (j).**
- 15 **(m) A claim described in subsection (l) must be filed:**
- 16 **(1) not more than thirty (30) days after publication of the**
- 17 **person's name under subsection (j); and**
- 18 **(2) on a form prescribed by the department.**
- 19 **The department shall pay or deny a claim described in subsection**
- 20 **(l) not more than forty-five (45) days after the claim is filed. If**
- 21 **the department pays the claim, the auditor of state shall issue a**
- 22 **warrant drawn on the treasurer of state to a person described in**

1 subsection (l) in the amount of the claim. If the department
2 denies the claim, the person may appeal the denial to the tax
3 court. The tax court may award the prevailing party on appeal
4 reasonable attorney fees and court costs incurred in the appeal."

(Reference is to ESB 247 as printed February 17, 2004.)

Representative Wolkins